

Please type a plus sign (+) inside this box +

PTO/SB/01 (12-97)

Approved for use through 9/30/00. OMB 0651-0032

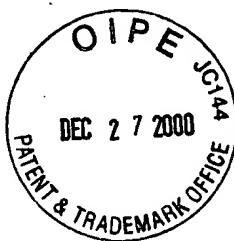
Approved for use through 05/31/2010
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

Declaration Submitted with Initial Filing OR Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	PXE-006.US
First Named Inventor	FRANCIS, Kevin P.
<i>COMPLETE IF KNOWN</i>	
Application Number	09/657,289
Filing Date	September 7, 2000
Group Art Unit	
Examiner Name	



As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

JUCIEERASE EXPRESSION CASSETTES AND METHODS OF USE

the specification of which

(Title of the Invention)

is attached hereto

was filed on (MM/DD/YYYY) **September 7, 2000** as United States Application Number or PCT International

Application Number 09/657,289 and was amended on (MM/DD/YYYY) _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 356(b) of any foreign application(s) for patent or inventor's certificate, or 356(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below:

Application Number(s)	Filing Date (MM/DD/YYYY)	
60/152,904	09/08/1999	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Please type a plus sign (+) inside this box →

Approved for use through 9/30/00. OMB 0651-0032

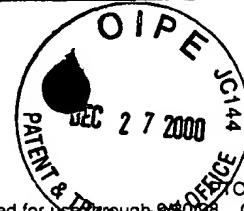
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)			
<input checked="" type="checkbox"/> Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02C attached hereto. <input checked="" type="checkbox"/> As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: <input checked="" type="checkbox"/> Customer Number 22742 → <input checked="" type="checkbox"/> Place Customer Number Bar Code Label here <input type="checkbox"/> Registered practitioner(s) name/registration number listed below					
Name	Registration Number	Name	Registration Number		
<input type="checkbox"/> Additional registered practitioner(s) named on supplemental Registration Information sheet PTO/SB/02C attached hereto.					
Direct all correspondence to:		<input type="checkbox"/> Customer Number or Bar Code Label 22472	OR <input checked="" type="checkbox"/> Correspondence address below		
PATENT TRADEMARK OFFICE					
Name	Charles K Sholtz, Xenogen Corporation				
Address	860 Atlantic Avenue				
Address					
City	Alameda	State	CA		
Country		Telephone	510-291-6135		
		Fax	510-291-6196		
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.					
Name of Sole or First Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle if any)		Family Name or Surname			
Kevin P.		FRANCIS			
Inventor's Signature	<i>Ken P. Francis</i>			Date	10/09/00
Residence: City	Alameda	State	CA	Country	USA
Post Office Address	3521 Oleander				
Post Office Address					
City	Alameda	State	CA	ZIP	94502
				Country	USA
<input checked="" type="checkbox"/> Additional inventors are being named on the <u>1</u> supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto					



Please type a plus sign (+) inside this box →

O/SB/02A (3-97)
Approved for use through 04/09/08. OMB 0651-0032

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION

ADDITIONAL INVENTOR(S) Supplemental Sheet Page 1 of 1

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor				
Given Name (first and middle [if any])		Family Name or Surname				
Pamela R.		CONTAG				
Inventor's Signature	<i>Pamela Lully Contag</i>					10/19/00 Date
Residence: City	San Jose	State	CA	Country	USA	Citizenship
Post Office Address	6110 Bollinger Road					
Post Office Address						
City	San Jose	State	CA	ZIP	95129	Country
Name of Additional Joint Inventor, if any:	<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])		Family Name or Surname				
Danny J.		JOH				
Inventor's Signature	<i>T. J. Fox</i>					10-9-00 Date
Residence: City	Fremont	State	CA	Country	USA	Citizenship
Post Office Address	2000 Walnut Avenue, #K108					
Post Office Address						
City	Fremont	State	CA	ZIP	94538	Country
Name of Additional Joint Inventor, if any:	<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])		Family Name or Surname				
Inventor's Signature						Date
Residence: City		State		Country		Citizenship
Post Office Address						
Post Office Address						
City		State		ZIP		Country

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

ASSIGNMENT
Inventor

WHEREAS, Kevin P. Francis, Pamela Reilly Contag and Danny J. Joh, hereinafter referred to as **ASSIGNORS**, has invented certain new and useful improvements as described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: LUCIFERASE EXPRESSION CASSETTES AND METHODS OF USE
Serial No: 09/657,289 **Filing Date:** September 7, 2000

WHEREAS, XENOMON CORPORATION, located at 860 Atlantic Avenue, Alameda, California 94501, hereinafter referred to as **ASSIGNEE**, is desirous of acquiring the entire right, title and interest in the said invention and application and in any Letters Patent which may be granted on the same;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that, for and in consideration of the sum of One Dollar (\$1.00) lawful money paid to **ASSIGNORS** by **ASSIGNEE**, receipt of which is hereby acknowledged, **ASSIGNORS** has sold, assigned and transferred, and by these presents do sell, assign and transfer unto said **ASSIGNEE**, and **ASSIGNEE'S** successors and assigns, all right, title and interest in and to the said invention, said application for United States Letters Patent, and any Letters Patent which may hereafter be granted on the same in the United States and all countries throughout the world including any divisions, renewals, continuations in whole or in part, substitutions, conversions (including conversions claiming priority under 35 U.S.C. §119(e)), reissues, prolongations or extensions thereof, the said interest to be held and enjoyed by said **ASSIGNEE** as fully and exclusively as it would have been held and enjoyed by said **ASSIGNORS** had this assignment and transfer not been made, to the full end and term of any Letters Patent.

ASSIGNORS further agrees that he will, without charge to said **ASSIGNEE**, but at **ASSIGNEE'S** expense, cooperate with **ASSIGNEE** in the prosecution of said application and/or applications, execute, verify, acknowledge and deliver all such further papers, including applications for Letters Patent and for the reissue thereof, and instruments of assignment and transfer thereof, and will perform such other acts as **ASSIGNEE** lawfully may request, to obtain or maintain Letters Patent for said invention and improvement in any and all countries, and to vest title thereto in said **ASSIGNEE**, or **ASSIGNEE'S** successors and assigns.

IN TESTIMONY WHEREOF, ASSIGNEE has hereunto signed his name to this assignment on the dates indicated below.

DATE 10/9/00

Kevin P. Francis
Kevin P. Francis

DATE 10/9/00

Pamela Reilly Contag
Pamela Reilly Contag

DATE 10.9.00

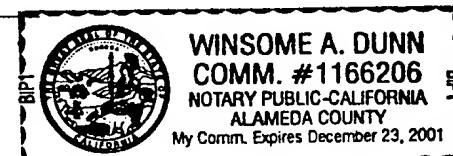
Danny J. Joh
Danny J. Joh

State of California

)

County of Alameda

)
ss.
)



On October 9, 2000, before me, Winsome A. Dunn, Notary Public for the State of California, personally appeared Kevin P. Francis, Pamela Reilly Contag and Danny J. Joh, personally known to me to be the persons whose names are subscribed to the within instrument and acknowledge to that they executed the same in their authorized capacities and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument

WITNESS my hand and official seal

Winsome Dunn
Notary Public